



*Council Policy Committee – (2015)*

*Marcia Jensen, Mayor  
Barbara Spector, Vice Mayor*

## **SPECIAL MEETING**

### **TOWN OF LOS GATOS TOWN COUNCIL POLICY COMMITTEE**

#### **AGENDA**

**TOWN COUNCIL CHAMBERS  
110 EAST MAIN STREET  
February 11, 2015 – 2:30 P.M.**

### **MEETING CALLED TO ORDER**

### **ROLL CALL**

### **VERBAL COMMUNICATIONS** *(Three minute time limit)*

1. Approval of the January 29, 2015 Council Policy Committee Draft Minutes
2. Review and Approve the Final Drafts of the Council Code of Conduct and Council Agenda and Rules Policies, rescind the following Council Policies, and forward to the Town Council for its action:
  - a. 2-6 Public Access to Council Decision Making
  - b. 2-7 Appointments and Memberships
  - c. 2-8 Americans with Disabilities Notice on Town Agendas
3. Approve validation of the following Council Policies and forward to the Town Council for its action:
  - a. 4-4: General Fund Reserve Policy
  - b. 4-5: GASB 54 Fund Balance Policy
4. Provide a verbal status update on staff's research on the feasibility of cross referencing Town Code and Laserfiche
5. Future Agenda Items

#### **Attachments:**

1. January 29, 2015 Policy Committee Draft Minutes
2. Final drafts of the Council Code of Conduct and Council Agenda and Rules Policies
3. Staff Report titled Approval to validate two Council Policies

### **ADJOURNMENT**

cc: Post (*also posted on Town Web*)  
Town Council

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Town Manager's Office at (408) 354-6854. Notification 48 hours before the meeting will enable the Town to make reasonable arrangements to ensure accessibility to this meeting [28 CFR §35.102-35.104]

DRAFT

TOWN OF LOS GATOS  
COUNCIL POLICY COMMITTEE  
January 29, 2015, 2:30 p.m.

110 E. Main Street  
Town Council Chambers  
Los Gatos, California

**MINUTES**

**Call to Order**

Council Policy Committee meeting was called to order at 2:40 p.m.

Members and Staff present:

Mayor Marcia Jensen  
Vice Mayor Barbara Spector  
Robert Schultz, Town Attorney  
Christina Gilmore, Assistant to the Town Manager  
Vilcia Rodriguez, Special Project Coordinator

**Verbal Communications**

None.

**Agenda Items**

**1. Approval of January 8, 2014 Council Policy Committee Meeting Minutes**

**Committee Action:**

The Committee unanimously approved the draft minutes with comments.

**2. Review and Approve the Final Drafts of the Council Code of Conduct and Council Agenda and Rules Policies**

**Council Code of Conduct Policy**

Page 1: Approved with no changes.

Page 2: Approved with no changes.

Page 3: Approved, with direction to add numbering format to Section VII: Legal Requirements

Page 4: Approved with no changes.

Page 5: Approved with no changes.

Page 6: The Committee directed staff to rewrite Section X: Council Conduct and Communication with the General Public, Boards, Commissions and Committees, the

Media and at Public Meetings. The Committee requested that revisions be emailed to them for approval.

Page 7: Approved with no changes.

Page 8: Approved with no changes.

Page 9: Approved with no changes.

### **Council Agenda and Rules Policy**

The Committee unanimously approved the revised policy.

#### **3. Rescind Council Policies 2-7 Appointments and Memberships and 2-8 Americans with Disabilities Notice on Town Agendas and forward to the Council for action**

Staff recommended rescission of Council Policies 2-7 Appointments and Memberships and 2-8 Americans with Disabilities Notice on Town Agendas and their incorporation into the Council Code of Conduct and Council Agenda Format and Rules because these policies are redundant and already covered under other Council policies. The Committee directed staff to highlight where the specific sections of the policies proposed for deletion are covered or will be covered, and email the Policy Committee. Staff will insert comments into the PDF files of the proposed policies for rescission to highlight where the individual sections will be covered or are covered in other documents.

#### **4. Approve validation of the first set of Council Policies and forward to the Town Council for action**

The Policy Committee approved validation of the following Council Policies and directed staff to place them in the new Council Policy template and forward to the Town Council for its action:

- a. 2-11: Commission Appointments
- b. 2-13: Public Use of Town Equipment and Signs at Town Council and Planning Commission Meetings
- c. 2-14: Town Council, Planning Commission and Employee Use of Tablets for Digital Agenda Packets
- d. 3-2: Traffic Impact Policy

The Committee noted how some Council policies have resolutions and others don't. There was discussion that moving forward, Council policies that affect members of the public need to have resolutions, but policies for Council and staff do not. The Committee also requested that moving forward staff include the date when a change occurs in a policy.

The Committee directed staff to research how the Town can cross reference Town Code (Town ordinances) with Laserfiche (Town resolutions) and report back at the next meeting.



The Committee did not approve Council policies 4-4 General Fund Reserve and 4-5 GASB 54 Fund Balance for validation. The Committee had questions about each policy and directed staff to provide additional information.

- a. 4-4 General Fund Reserve Policy: The Committee directed staff to confirm that this policy is accurate and requested for staff to provide an update to the Town's current practice. For example, are the Town and Council following this Policy?
- b. 4-5 GASB 54 Fund Balance Policy: The Committee asked if the reference to GASB 54 is current, and if any updates are necessary to reflect any changes to GASB legislation.

**5. Identify the next group of Council Policies for Validation, Revisions or Rescission and Discuss Project Status Update**

The following policies were offered for Policy Committee action.

- a. 1-5 Landscaping Policies (Rescission): Identify the other documents that deal with landscaping and see if all these documents can be consolidated into one document.
- b. 2-6 Public Access to Council Decision Making (Rescission)
- c. 2-12 Naming Town-Owned Facilities (Validate)


Staff will highlight for the Committee where the proposed Council policies for rescissions are located in other documents and consolidate documents where possible. Staff will also confirm that policies are being followed by staff.

**6. Future Agenda Items**

- Review and Approval of the Final Drafts for the Code of Conduct and Council Agenda and Rules Policies
- Review and Approve First Set of Council Policies Recommended for Validation
- Continue Review and Discuss of the Revised Draft Policy Inventory Matrix and any new uncovered policies

Meeting adjourned at 4:15 p.m.



 <div style="display: inline-block; vertical-align: middle;"> <p>TOWN OF <b>LOS GATOS</b> CALIFORNIA</p> </div> <div style="display: inline-block; vertical-align: middle; text-align: center;"> <p><b>COUNCIL POLICY MANUAL</b></p> <p><i>Small Town Service    Community Stewardship    Future Focus</i></p> </div>		
<b>TITLE:</b> Town Council Code of Conduct		<b>POLICY NUMBER:</b> 1-10
<b>EFFECTIVE DATE:</b> 5/3/04		<b>PAGES:</b> 9
<b>ENABLING ACTIONS:</b> 2004-59; 2006-111; 2015-xx	<b>REVISED DATES:</b> 12/17/12; 1/xx/15	
<b>APPROVED:</b>		

### **I. Preamble**

The legal responsibilities of the Los Gatos Town Council are set forth by applicable state and federal laws. In addition, the Town Council has adopted regulations, including this Code of Conduct Policy, that hold Council Members to standards of conduct above and beyond what is required by law. This Policy is written with the assumption that Council Members, through training, are aware of their legal and ethical responsibilities as elected officials.

### **II. Form of Government**

The Town of Los Gatos operates under a Council-Manager form of government as prescribed by Town Code, Section 2.30.305. Accordingly, members of the Council are elected at-large, provide legislative direction, set Town policy, and ultimately answer to the public. The Town Manager serves as the Town's chief administrative officer and is responsible for directing the day-to-day operations of the Town and implementing policy direction.

### **III. Town Council Roles and Responsibilities**

The role of the Town Council is to act as a legislative and quasi-judicial body. Through its legislative and policy authority, the Council is responsible for assessing and achieving the community's desire for its present and future and for establishing policy direction to achieve its desired outcomes. All members of the Town Council, including those who serve as Mayor and Vice Mayor have equal votes.

Members of the Town Council fulfill their role and responsibilities through the relationships they have with each other and the public. Town Council Members should approach their work, each other, and the public in a manner that reflects ethical behavior, honesty and integrity. The commitment of Town Council Members to their work is characterized by open constructive communication, innovation, and creative problem solving.

### **IV. Mayoral and Vice Mayoral Selection Process**

Per Town Municipal Code, Section 2.20.035, the selection of the Mayor and Vice Mayor occurs annually at the second meeting in November by majority vote of the Town Council. The Mayor and Vice Mayor serve at the pleasure of the Town Council, and may be replaced by a majority vote of the Council.

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## V. Mayoral and Vice Mayoral Roles, Responsibilities, Relationships

The following outlines some of the keys roles, responsibilities, and relationships as they relate to the positions of Mayor and Vice Mayor:

### Mayor

- A. The Mayor is the presiding officer of the Town Council. In this capacity, the Mayor is responsible for developing Council agendas in cooperation with the Town Manager and leading Council meetings.
- B. The Mayor recommends various standing committee appointments to the Council for approval.<sup>1</sup> This will be done at a Council meeting in December of each year. When making committee recommendations, the Mayor should attempt to balance shared responsibilities and opportunities among Council Members. The Mayor may also appoint citizens to committees not established by Town ordinance or resolution as s/he deems appropriate.
- C. The title of Mayor carries with it the responsibility of communicating with the Town Council, Town Manager, and members of the public. In this capacity, the Mayor serves as the Town “spokesperson” representing the Council in official and ceremonial occasions.
- D. As the official Town spokesperson, the Mayor performs special duties consistent with the Mayoral office, including, but not limited to: signing of documents on behalf of the Town, issuing proclamations, serving as the official voting delegate for various municipal advocacy groups, ~~such as the League of California Cities,~~ and delivering the State of the Town Address.<sup>2</sup> The Town Council will determine any additional authority or duties that the Mayor shall perform.
- E. Special duties consistent with the Mayoral office may be delegated to the Vice Mayor or any other member of the Town Council.
- F. In the event that one or more members of a Town Board, Commission, or Committee acts in a manner contrary to approved Board/Commission policies and procedures, the Mayor may counsel those members about the rules set forth in the Town Commissioner Handbook.<sup>3</sup>

**Comment [VR1]:** Appointments and Membership Policy, Bullet B.

**Comment [VR2]:** Appointments and Membership Policy, Bullet A2.

<sup>1</sup> Council Agenda Format and Rules Policy

<sup>2</sup> Council Commendation and Proclamation Policy

<sup>3</sup> Resolution 1999-167



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#### Vice Mayor

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- A. In the Mayor's absence, the Vice Mayor shall perform the formal duties of the Mayor.<sup>4</sup>
- B. When the Vice Mayor performs the duties of the Mayor in his/her absence, the Vice Mayor also carries the responsibility of communicating with the Town Manager, Town Council, and members of the public.

#### **VI. Council Conduct in Public Meetings**

To ensure the highest standards of respect and integrity during public meetings, Council Members should:

- A. *Use formal titles.* The Council should refer to one another formally during Council meetings such as Mayor, Vice Mayor or Council Member or Mr., Mrs., or Ms., followed by the individual's last name.
- B. *Practice civility and decorum in discussions and debate.* Difficult questions, tough challenges to a particular point of view, and criticism of ideas and information are legitimate elements of free democracy in action. During public discussions, Council Members should be respectful of others and diverse opinions, and allow for the debate of issues.
- C. *Honor the role of the presiding officer in maintaining order and equity.* Respect the Mayor/Chair's efforts to focus discussion on current agenda items.
- D. *Council decisions should be reserved until all applicable information has been presented*
- E. *Conduct during public hearings.* During public testimony, Council Members should refrain from engaging the speaker in dialogue. For purposes of clarification, Council Members may ask the speaker questions. Council comment and discussion should commence upon the conclusion of all public testimony

#### **VII. Legal Requirements**

The Town Council operates under a series of laws that regulate its operations as well as the conduct of its members. The Town Attorney serves as the Town's legal officer and is available to advise the Council on these matters.

- A. Training
  - Biannual training in the following areas shall be provided by staff to Council Members:
  - 1. The Ralph M. Brown Act
  - 2. Town / CA State Law on Conflict of Interest (AB 1234)
  - 3. Government Section 1090
  - 4. Incompatible Offices

<sup>4</sup> Council Agenda Format and Rules Policy



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5. The Fair Political Practices Commission Forms
6. Bias

#### B. Procurement

Unless authorized by the Town Council, Council Members shall not become involved in administrative processes for acquiring goods and services.

#### C. Land Use Applications

The merits of an application shall only be evaluated on information included in the public record. Council Members shall disclose ex parte communication and any information obtained outside of the public record that may influence his/her decision on a matter pending before the Town Council. Council disclosure shall occur after the Public Hearing section of the agenda, and before Council deliberations.

#### D. Code of Conduct Policy

Newly elected Council Members are strongly encouraged to sign a statement affirming they have read and understand the Town of Los Gatos Council Code of Conduct Policy.

#### E. Non-Profit Organizations

Council Members may not sit on boards of directors of non-profit organizations which receive funding or in-kind contributions from the Town, unless the role serves a legitimate Town purpose, such as the League of California Cities, and the participation is approved by the full Council.

**Comment [VR3]:** Appointments and Membership Policy, Bullet C & Public Access to Council Decision Making Policy, Bullet 5.

### **VIII. Council Participation in Boards, Commissions and Committees, and Reporting Requirements**

There are several committees that Town Council Members have been appointed to or have an interest in, including but not limited to: Town Council standing and ad hoc committees, Town boards and commissions, regional boards and commissions, and community-generated committees.

Primary Council representatives should update the Council about board, commission, and committee activities. When serving as the primary Council representative on any board, commission, or committee, Council Members should periodically provide updated reports to the Council during the "Council Matters" opportunity on the Council meeting agenda.

Recommended actions by Council Committees should be reported to the Council. When serving on a Council Committee, whether standing or ad hoc, all work undertaken by the Committee must be directed by the Council, and all recommended actions of a Council Committee shall be reported to the Council.

### **IX. Council Relationship with Town Staff**

The Town Council has adopted a Council-Manager form of government. The Town Manager's powers and duties are outlined in the Town Code, Section 2.30.295.

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#### Council Conduct and Communication with Town Staff

To enhance its working relationship with staff, Council should be mindful of the support and resources needed to accomplish Council goals. When communicating and working with staff, Council should follow these guidelines:

- A. *Council Members should treat staff as professionals.* Clear, honest communication that respects the abilities, experience, and dignity of each individual is expected. As with Council colleagues, practice civility and decorum in all interactions with Town staff.
- B. *Council Members should direct questions about policy, budget, or professional opinion to the Town Manager, Town Attorney or Department Directors.* Council Members can direct questions and inquiries to any staff for information that is readily available to the general public or easily retrievable by staff.
- C. *The Town Manager and staff are responsible for implementing Town policy and/or Council action.* The processing of Council policy and decisions takes place with the Town Manager and staff. Council should not direct policy/program administrative functions and implementation; rather it should provide policy guidance to the Town Manager.
- D. *Council Members should attempt to communicate questions, corrections, and/or clarifications about reports requiring official action to staff prior to Council meetings.* Early feedback will enable staff to address Council questions and incorporate minor corrections or changes to a Council report, resulting in a more efficient Council meeting discussion; however, this does not preclude Council Members from asking questions at Council Meetings.
- E. *Council Members should not direct the Town Manager to initiate any action, change a course of action, or prepare any report without the approval of Council.* The Town Manager's responsibility is to advise on resources available and required for a particular course of action as it relates to the direction of the majority of the Council.
- F. *Council Members should not attend department staff meetings unless requested by the Town Manager.*
- G. *All Council Members should have the same information with which to make decisions.* Information requested by one Council Member will be shared with all members of the Council.
- H. *Concerns related to the behavior or work of a Town employee should be directed to the Town Manager.* Council Members should not reprimand employees.
- I. *Per California Government Code, Sections 3201-3209, Council Members should not solicit financial contributions from Town staff or use promises or threats regarding future employment.* Although Town staff may, as private citizens with constitutional

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rights, support political candidates, such activities cannot take place during work hours, at the workplace, or in uniform.

**X. Council Communication with the General Public, Boards, Commissions and Committees, the Media and at Public Meetings**

The Public has a reasonable expectation that they may engage their Council Members on matters of community concern, and sometimes Council members express tentative opinions on various issues and projects. Any expression of a tentative decision by a Council member shall not constitute a prejudgment or bias of any issue or a project.

A Council Member may not interact directly or indirectly with a quorum of the Council on Town business outside the context of a public meeting. This means that two Council Members can speak with each other about an item. However, one Council member cannot interact with two other Council Members on an item without violating the Brown Act.

**XI. Enforcement**

**A. Purpose**

The Council Code of Conduct Policy establishes guiding principles for appropriate conduct and behavior and sets forth the expectations of Council Members. The purpose of the policy language is to establish a process and procedure that:

1. Allows the public, Town Council, and Town employees to report Code of Conduct policy violations or other misconduct.
2. Provides guidelines to evaluate Code of Conduct policy violations or other misconduct and implement appropriate disciplinary action when necessary.

**B. Procedures**

1. Reporting of Complaints

The following section outlines the process for reporting Council Member Code of Conduct Policy violations or other misconduct:

- a. Complaints made by members of the public, the Town Manager, and Town Attorney should be reported to the Mayor. If a complaint involves the Mayor, it should be reported to the Vice Mayor.
- b. Complaints made by Council Members should be reported to the Town Manager or Town Attorney to adhere to Brown Act requirements.
- c. Complaints made by Town employees should be reported to the Town Manager, who will direct them to the Mayor or Vice Mayor.



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2. Evaluation of Complaints Alleging Violations

Upon report of a written complaint, the Town Manager and Town Attorney will join the Mayor or Vice Mayor as an evaluation committee to determine the validity of the complaint and, if appropriate, an initial course of action as discussed below. If the Town Manager or Town Attorney is the complainant, the longest serving uninvolved Council Member will replace the Town Manager or Town Attorney on the evaluation committee.

Within seventy-two (72) hours of receipt of the complaint by the Mayor or Vice Mayor, the Council Member in question shall be notified of the reported complaint by the Mayor or his/her designee. The notification shall include a copy of the written complaint and supporting documentation, if any, the identity of the complainant and nature of the complaint.

3. Unsubstantiated or Minor Violations

If the majority of the Committee agrees that the reported violation is without substance, no further action will be taken. If the reported violation is deemed valid but minor in nature, the Mayor or Vice Mayor shall counsel and, if appropriate, admonish the Council Member privately to resolve the matter. Admonishment is considered to be a reproof or warning directed to a Council Member about a particular type of behavior that violates Town policy.

4. Allegations of Major Violations

If the reported violation is considered to be serious in nature, the matter shall be referred to outside legal counsel selected by the Committee for the purpose of conducting an initial interview with the subject Council Member. The outside counsel shall report his/her initial findings back to the Committee.

If the Committee then determines that an investigation is warranted, the Committee shall direct the outside legal counsel to conduct an investigation. The investigation process would include, but is not limited to, the ascertainment of facts relevant to the complaint through interviews and the examination of any documented materials.

5. Report of Findings

At the conclusion of the investigation, outside legal counsel shall report back to the Committee in writing. The report shall either (1) recommend that the Council Member be exonerated based on a finding that the investigation did not reveal evidence of a serious violation of the Code of Conduct, or (2) recommend disciplinary proceedings based on findings that one or more provisions of the Code of Conduct or other Town policies have been violated. In the latter event, the report shall specify the provisions violated along with the facts and evidence supporting each finding.

The Committee shall review the report and its recommendations. If the consensus of the Committee is to accept the report and recommendations, the Committee shall implement the recommendations. Where the recommendation is exoneration, no further action shall be taken. Where the recommendation is to initiate disciplinary proceedings, the matter

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shall be referred to the Council. Where there is no consensus of the Committee regarding the recommendations, the matter shall be referred to the Council.

The subject Council Member shall be notified in writing of the Committee's decision within 72 hours. Where the decision is to refer the matter to the Council, a copy of the full report, including documents relied on by the investigator shall be provided with the notification, and a copy of both shall be provided to the whole Council.

6. Proceedings

Investigative findings and recommended proceedings and disciplinary action that are brought forward to Council as a result of a significant policy violation shall be considered at a public hearing. The public hearing should be set far enough in advance to allow the Council Member in question reasonably sufficient time to prepare a response.

Investigative findings shall be presented to the Town Council at a public hearing. The rules of evidence do not apply to the public hearing. It shall not be conducted as an adversarial proceeding.

**C. Disciplinary Action**

1. Considerations in Determining Disciplinary Action

Disciplinary action may be imposed by Council upon Council Members who have violated the Council Code of Conduct Policy. Disciplinary action or sanctions are considered when a serious violation of Town policy has occurred by a Council Member. In determining the type of sanction imposed, the following factors may be considered:

- a. Nature of the violation
- b. Prior violations by the same individual
- c. Other factors which bear upon the seriousness of the violation

2. Types of Sanctions

At the discretion of the Council, sanctions may be imposed for violating the Code of Conduct or engaging in other misconduct. These actions may be applied individually or in combination. They include, but are not limited to:

- a. *Public Admonishment* – A reproof or warning directed to a Council Member about a particular type of behavior that violates Town policy.
- b. *Revocation of Special Privileges* – A revocation of a Council Member's Council Committee assignments, including standing and ad hoc committees, regional boards and commissions, and community-generated board/committee appointments. Other revocations may include temporary suspension of official travel, conference participation, and ceremonial titles.
- c. *Censure* – A formal statement or resolution by the Council officially reprimanding a Council Member.



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APPROVED AS TO FORM:

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Robert Schultz, Town Attorney





**TITLE:** Town Council Agenda Format and Rules

**POLICY NUMBER:** 1-1

**EFFECTIVE DATE:** 12/15/86

**PAGES:** 6

**ENABLING ACTIONS:** 1986-183; 1987-24;  
1988-124; 1993-181; 1994-57; 1996-108; 2001-  
77; 2004-33; 2009-002; 2015-xx

**REVISED DATES:** 12/15/86; 3/2/87; 6/6/88; 6/15/92;  
12/6/93; 4/4/94; 8/5/96; 7/2/01; 4/5/04; 1/20/09;  
3/16/09; 12/06/10; 8/5/13; 1/xx/15

**APPROVED:**

## PURPOSE

To establish procedures which standardize the Town Council agenda and insure an orderly meeting. Council meetings outside of the Town limits are prohibited.

**Comment [VR1]:** Public Access to Council  
Decision Making, Bullet 4.

## POLICY

The following policies have been established:

### A. Order of the Agenda

Subject to the Mayor's discretion to change the order of consideration of any agenda item during any individual meeting:

- Meeting Called to Order
- Roll Call
- Pledge of Allegiance
- Appointments
- Presentations
- Closed Session Report
- Council Matters
- Manager Matters
- Consent Calendar
- Verbal Communications
- Public Hearings
- Other Business
- Adjournment (No later than midnight without vote)

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#### B. Closed Session Report

At the first Council meeting following any Closed Session, the Town Attorney will report on the Closed Session describing what occurred, but without reporting any information which could damage the Town's position on a) potential or existing litigation, b) the acquisition or disposition of property, or c) any employee's privacy interests. In addition, the Closed Session agenda shall clearly identify the subject of each agenda item consistent with the requirements of the *Brown Act*.

#### C. Communications by Members of the Public

1. *Verbal Communications.* Comments by members of the public during the Verbal Communications portion of the agenda on items not on the Council agenda shall be limited to no more than three (3) minutes per speaker.
2. *Public Hearings.* Presentations during the Public Hearings portion of the agenda by appellants and applicants, including any expert or consultant assisting with the presentation, shall be limited to a total of no more than ten (10) minutes for all speakers. Appellants and applicants shall be provided no more than five (5) minutes to rebut at the end of the public hearing. Other members of the public testifying at public hearings shall be limited to no more than three (3) minutes.
3. *Other Agenda Items.* Comments by members of the public concerning any other item on an agenda shall be limited to no more than three (3) minutes per item.
4. *Mayor's Discretion.* All time limits noted above shall be subject to change at the Mayor's discretion.

#### D. Consent Calendar

Items on the Council agenda that are considered to be of a routine and non-controversial nature are placed on the Consent Calendar. Typical items include meeting minutes, final reading and adoption of ordinances, resolutions approving agreements, awards of contracts, status staff reports, etc.

Consent items shall be approved by a single Council motion, unless a member from the Council or the public requests that an item be removed for separate Council action. Items removed from the Consent Calendar may be considered at that meeting at the Mayor's discretion.



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#### E. Presentations

The Presentations portion of the agenda is intended to allow organized groups to make formal presentations to the Council and to recognize and honor deserving individuals and organizations. All matters included on the Presentations portion of the agenda require the prior approval of the Mayor and shall be limited to no more than ten (10) minutes, unless the Mayor grants additional time.

#### F. Council Matters

Members of Council may report on the activities of the committees to which they belong or the meetings they attend, question staff briefly on matters upon which the Council has taken action or given direction, make brief announcements, or discuss whether to place particular items on future agendas for action by the Council. Future agenda items to be briefly discussed here shall be identified consistent with Section G of this policy, or may be raised for the first time under this item.

#### G. Adjournment

Council meetings will be adjourned at midnight unless a majority of the Council Members present vote to extend the adjournment time.

#### H. Americans with Disabilities Notice on Town Agendas

As part of the requirements under the Americans with Disabilities Act, the Town is required to provide notice of whom to contact in advance of a public meeting for assistance to disabled individuals who might wish to participate. The following notice shall be provided in at least one location on each Town agenda for Council, boards, commissions or committees.

**Comment [VR2]:** Americans with Disabilities  
Notice on Town Agendas

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the \_\_\_\_\_ at (408) \_\_\_\_\_.  
Notification 48 hours before the meeting will enable the Town to make reasonable arrangements to ensure accessibility to this meeting [28 CFR §35.102-35.104]

#### H.I. Preparation of the Agenda

The agenda is prepared by staff in consultation with the Mayor for the Mayor's final approval. If there is a disagreement between the Mayor and staff, the Mayor makes the ultimate call on the Agenda and its items. Any member of the Council may submit a request through the Town Manager or directly to the Mayor to make a change or addition to the agenda. In no event may the subject of whether to amend the agenda be discussed outside of a public meeting by more than two (2) members of the Council.



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Items thus proposed to be added to the agenda require the Mayor's agreement to be added for action. If the Mayor does not agree, the item shall be listed on the agenda for discussion purposes only under the Council Matters section of the agenda. Council may then discuss whether to place the item on a future agenda for action. Two (2) or more members of the Council must vote in favor of placing an item on a future agenda for action. The Mayor in good faith will make every effort to place the item on the first available Council agenda in consultation with the Town Manager.

If the wish of the Council is to add an item on the agenda of the current meeting, then the *Brown Act* generally requires a two-thirds (2/3) vote or a unanimous vote of those present if less than five (5) Council Members are present, with a finding that there is a need to take immediate action and the need for action came to the attention of the Town after the agenda was posted.

#### I.J. Agenda Schedule and Preparation

Thursday, prior to the meeting	Written agenda is finalized and printed. Agenda packets distributed to Town Council Members. Public comments on agenda items received by 11:00 a.m. will be included in the agenda packet.
Friday, prior to meeting	Additional information from staff available after the Thursday distribution of the agenda packet, and public comments received prior to 11:00 a.m. on Friday will be distributed to Town Council members as an Addendum to a staff report.
Monday, prior to the meeting	Additional information from staff available after the Friday Addendum and received prior to 11:00 a.m. on Monday will be distributed to Town Council members as an Addendum to a staff report.
Day of Council Meeting	Council comments and questions received by 7:00 a.m. and public comments received by 11:00 a.m. on the morning of a Council meeting will be included in a Desk Item for distribution to Town Council members by 1:00 p.m. on the afternoon of a Council meeting. Council comments and questions received after 7:00 a.m. may be addressed during the Council meeting. Public comment received after 11:00 a.m. will not be distributed to the Council in the Desk Item; however, public comment may be submitted by individuals during the Council meeting.

In general, questions or inquiries from Council Members to the Town Manager and/or Town

<b>TITLE:</b> Town Council Agenda Format and Rules	<b>PAGE:</b> 5 of 6	<b>POLICY NUMBER:</b> 1-1
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Attorney regarding agenda items should be responded to within 24 hours, and then placed into Addenda and/or Desk Items, as appropriate.

#### K. Agenda Posting

Council Agendas shall be posted at least 72 hours prior to a regular meeting, and at least 24 hours prior to a special meeting. Notice of any meeting of a formally appointed Committee where two Council Members could be present shall be posted at least 24 hours in advance of any such meeting with a note as to the time and location, and an invitation to the public to attend.

**Comment [VR3]:** Public Access to Council Decision Making, Bullet 2.

#### J.L. Conduct of Town Council Meetings

The Council shall adopt:

1. Robert's *Rules of Order* or
2. Some other rules of order, or
3. Allow the Mayor to conduct the meeting as deemed appropriate so long as all members of the Town Council concur.

#### K.M. Proposed Reconsideration of Prior Council Actions

Reconsideration of prior Council actions is discouraged and may only occur in special circumstances subject to the procedural restrictions outlines herein. Reconsideration does not include, and this Policy does not prohibit, the repeal of a resolution or ordinance in response to a lawsuit or a referendum challenging that adoption.

#### **Step 1 – Motion to Place Reconsideration of a Prior Action on a Future Council Agenda**

- a) The motion must be made by a Council Member who previously voted on the prevailing side of the prior action;
- b) The maker of the motion shall specifically articulate the new information, analysis and/or circumstances that warrant(s) reconsideration of the prior action;
- c) The motion must be adopted by a majority of the full Council; and
- d) The motion may only be made and considered at the next regularly scheduled meeting of the Council after the item was originally acted upon.

#### **Step 2 – Full Reconsideration of the Prior Action, if a motion as outlined in Step 1 is approved.**

- a) The full reconsideration of the prior action will be placed on the next available Council agenda following the agenda-setting and required public notification process.



<b>TITLE:</b> Town Council Agenda Format and Rules	<b>PAGE:</b> 6 of 6	<b>POLICY NUMBER:</b> 1-1
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- b) The agenda, public notification and staff report for the full reconsideration of the prior action shall clearly state that the item has been previously acted upon by the Council and is being reconsidered by the Council.
- c) Action on the reconsideration of the prior action shall adhere to regular Council policies and practices as if the item was being heard for the first time.
- d) The full reconsideration of the prior action (whether sustained, reversed or otherwise modified) will be the final action on that item, and no further reconsiderations will be considered.

L.N. Motions by the Chairperson

The Chairperson of the meeting may make or second motions. The Chairperson may also restate, or ask that the maker restate, all motions immediately prior to any vote.

APPROVED AS TO FORM:

\_\_\_\_\_  
Robert Schultz, Town Attorney

# **COUNCIL POLICY TOWN OF LOS GATOS**

Subject: Public Access to Council  
Decision Making

Page 1 of 1

Enabling  
Action: Town Council Action  
5/18/92

Approved: 

Effective  
Date: 5/18/92






Revised  
Date:

## **PURPOSE**

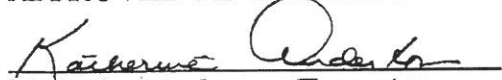
To establish procedures which insure that the public has access to Council decision making.

## **POLICY**

The following policies are established:

1. At the first Council meeting following any Closed Session, the Town Attorney will report on the Closed Session describing what occurred, but without reporting any information which could damage the Town's position on a) potential or existing litigation, b) the acquisition or disposition of property, c) any employee's privacy interests. In addition, the Closed Session agenda will clearly identify the subject of each agenda item. 
2. Notice of any meeting of a formally appointed Committee where two Council Members could be present shall be posted at least 24 hours in advance of any such meeting with a note as to the time and location and an invitation to the public to attend. 
3. An elected official has the right to meet with constituents and discuss their issues. He or she also has the right to confer with a colleague about public business. However, a public official may not interact directly or indirectly with a quorum of the Council on Town business outside the context of a public meeting. This means that two Council Members can speak with each other about an item. However, one Council member cannot interact with two other Council Members on an item without violating the Brown Act. In addition, Council Members shall refrain from discussions with third parties where that discussion involves how other Council Members may vote on Council business. There may be nothing improper or unethical about the substance of a serial meeting. The problem is the process itself, which deprives the public of the opportunity to contribute to the decision making process. 
4. Council meetings outside of the Town limits are prohibited. 
5. Council Members may not sit on Boards of Directors of non-profit organizations which receive funding or in-kind contributions from the Town. 

APPROVED AS TO FORM:






  
Katherine Anderton, Town Attorney

DWK:pm

# Summary of Comments on A9RC2A1.tmp

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Page: 1

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- |  |           |                    |                      |                            |
|--|-----------|--------------------|----------------------|----------------------------|
|                       | Number: 1 | Author: vrodriguez | Subject: Sticky Note | Date: 2/4/2015 11:19:56 AM |
| This is already covered in the Town Council Agenda Format and Rules Policy (Policy Section, Bullet B). |           |                    |                      |                            |
| <hr/>  |           |                    |                      |                            |
|                       | Number: 2 | Author: vrodriguez | Subject: Sticky Note | Date: 2/6/2015 2:21:06 PM  |
| This will be covered in the Town Council Agenda Format and Rules Policy, Section K, Agenda Posting.    |           |                    |                      |                            |
| <hr/>  |           |                    |                      |                            |
|                       | Number: 3 | Author: vrodriguez | Subject: Sticky Note | Date: 2/6/2015 2:19:39 PM  |
| This will be covered in the Town Code of Conduct Policy, Section X.                                    |           |                    |                      |                            |
| <hr/>  |           |                    |                      |                            |
|                       | Number: 4 | Author: vrodriguez | Subject: Sticky Note | Date: 2/6/2015 2:19:20 PM  |
| This will be covered in the Town Council Agenda Format and Rules Policy (Purpose Section).             |           |                    |                      |                            |
| <hr/>  |           |                    |                      |                            |
|                       | Number: 5 | Author: vrodriguez | Subject: Sticky Note | Date: 2/4/2015 11:20:56 AM |
| This will be covered in the Town Code of Conduct Policy, Section VII, Bullet E.                        |           |                    |                      |                            |
-



**TOWN OF LOS GATOS  
OFFICE OF THE TOWN CLERK**

**COUNCIL POLICY**

PUBLIC ACCESS TO COUNCIL DECISION MAKING  
TOWN COUNCIL ACTION 5/18/1992

ALL ELECTED TOWN COUNCIL MEMBERS ARE REQUIRED TO SIGN THIS DOCUMENT PRIOR TO TAKING THE OATH OF OFFICE AND YEARLY, THEREAFTER, ON JANUARY 15TH, AS EVIDENCE THAT THEY HAVE READ AND UNDERSTAND THE POLICY REGARDING "PUBLIC ACCESS TO COUNCIL DECISION MAKING"

**PURPOSE**

To establish procedures which insure that the public has access to Council decision making.

**POLICY**

The following policies are established:

1. At the first Council meeting following any Closed Session, the Town Attorney will report on the Closed Session describing what occurred, but without reporting any information which could damage the Town's position on a) potential or existing litigation, b) the acquisition or disposition of property, c) any employee's privacy interests. In addition, the Closed Session agenda will clearly identify the subject of each agenda item.
2. Notice of any meeting of a formally appointed Committee where two Council Members could be present shall be posted at least 24 hours in advance of any such meeting with a note as to the time and location and an invitation to the public to attend.
3. An elected official has the right to meet with constituents and discuss their issues. He or she also has the right to confer with a colleague about public business. However, a public official may not interact directly or indirectly with a quorum of the Council on Town business outside the context of a public meeting. This means that two Council Members can speak with each other about an item. However, on Council Member cannot interact with two other Council Members on an item without violating the Brown Act. In addition, Council Members shall refrain from discussions with third parties where that discussion involves how other Council Members may vote on Council business. There may be nothing improper or unethical about the substance of a serial meeting. The problem is the process itself, which deprives the public of the opportunity to contribute to the decision making process.
4. Council meetings, outside of the Town limits, are prohibited.
5. Council Members may not sit on Boards of Directors of non-profit organizations which receive funding or in-kind contributions from the Town.

\_\_\_\_\_  
Signature of Council Member

\_\_\_\_\_  
Date

May 18, 1992  
Los Gatos, California

**MEETINGS/OPEN AND PUBLIC/TOWN POLICY (30.10)**

**Mr. Blanton** gave a synopsis of the committee report and the recommendations which were submitted by himself and **Mr. Ventura**.

Town Attorney, **Kate Anderton**, explained the contrast between a semi adjudicatory decisions and legislative decisions that the Council addresses.

Mayor **Carlson** and Council Member **Ventura** indicated that a statement was needed on the policy that says that the Council will not participate in discussions with a third party.

By consensus, Mayor **Carlson** added to Item number three (3) of the policy "in addition.... Council Members shall refrain from discussions with third parties if that discussion involves representation of votes of how one or more Council Members may vote.

**Mrs. Benjamin** indicated her concerns about sitting on non profit organization Board of Directors and stated that policy has been that it would be a conflict of interest.

**Motion by Mrs. Benjamin**, seconded by **Mr. Attaway**, that item number five be added to the Policy Statement to read: "Council Members may not sit on Boards of Directors of non profit organizations which receive funding or in kind contributions from the Town." Carried unanimously.

Mayor **Carlson** suggested that each year Council Member sign the Policy Statement, like they do the FPPC Conflict of Interest Statements which will help them be more aware of the Brown Act.


**Motion by Mrs. Benjamin**, seconded by **Mr. Blanton**, that Council approve the Town Council Policy on public access to Council decision making with the addition of item five and item number three slightly amended. The written policies to be handed out to each Council Member once a year at the start of each year and to be given to new Council Members upon taken the oath. Carried unanimously.

**Motion by Mrs. Benjamin**, seconded by **Mr. Blanton**, to send a letter, under the Mayor's signature to send a letter to the State Legislature informing them of our policy. Carried unanimously.

**ADJOURNMENT**

**Motion by Mrs. Benjamin**, seconded by **Mr. Blanton**, that Council adjourn this evening's meeting at 11:27 p.m. Carried unanimously.

ATTEST:

  
MarLyn J. Rasmussen  
Senior Deputy Clerk

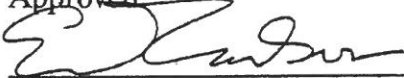
# **COUNCIL POLICY TOWN OF LOS GATOS**

Subject: Appointments and  
Memberships

Page 1 of 1

Enabling  
Actions: Town Council on  
6/15/92

Approved:



Effective  
Date: 6/15/92

Revised  
Date:



## Purpose



To set out the process for:


- 1) Appointing citizens to boards, commissions and committees.
- 2) Appointing Council Members to various boards, commissions and committees.
- 3) Council membership on non-profit boards of directors.

## Policy

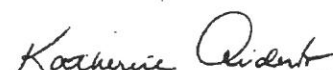
A. Appointing citizens to boards, commissions and committees:

1. After interview in public session, Town Council shall appoint citizens to all boards, commissions and committees which are established by Town ordinance or resolution. <sup>1</sup>
2. The Mayor may appoint citizens to such committees not established by ordinance or resolution as s/he deems appropriate. <sup>2</sup>

B. The Mayor shall appoint Council Members to sit on various regional and intergovernmental boards, commission and committees. Normally this will be done at a Council meeting in December of each year. <sup>4</sup> <sup>3</sup>

C. Council Members may not sit on boards of directors of non-profit organizations which receive funding or in-kind contributions from the Town. <sup>5</sup>

APPROVED AS TO FORM:

  
Town Attorney

# Summary of Comments on 2-7 Appointments and Memberships\_with Comments.pdf

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Page: 1

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- |           |                    |                      |                            |
|-----------|--------------------|----------------------|----------------------------|
| Number: 1 | Author: vrodriguez | Subject: Sticky Note | Date: 2/2/2015 10:29:28 AM |
|-----------|--------------------|----------------------|----------------------------|
- 
- This section is covered under Annual Recruitments, Bullet #7 in the Commission Appointments Policy.
- 
- |           |                    |                      |                            |
|-----------|--------------------|----------------------|----------------------------|
| Number: 2 | Author: vrodriguez | Subject: Sticky Note | Date: 2/2/2015 10:30:34 AM |
|-----------|--------------------|----------------------|----------------------------|
- 
- This section could be included in the Code of Conduct Policy under Section V: Mayoral and Vice Mayoral Roles, Responsibilities, and Relationships as part of the Mayor's responsibilities.
- 
- |           |                    |                      |                            |
|-----------|--------------------|----------------------|----------------------------|
| Number: 3 | Author: vrodriguez | Subject: Sticky Note | Date: 2/2/2015 12:58:37 PM |
|-----------|--------------------|----------------------|----------------------------|
- 
- Section V: Mayoral and Vice Mayoral Roles, Responsibilities, and Relationships, Bullet B states that the Mayor recommends various standing committee appointments to the Council for approval.
- 
- |           |                    |                      |                           |
|-----------|--------------------|----------------------|---------------------------|
| Number: 4 | Author: vrodriguez | Subject: Sticky Note | Date: 2/2/2015 1:00:40 PM |
|-----------|--------------------|----------------------|---------------------------|
- 
- The date for interviews (second Town Council meeting in December), is covered under Annual Recruitments, Bullet #2 in the Commission Appointments Policy. This could also be stated in the Code of Conduct Policy, Section V: Mayoral and Vice Mayoral Roles, Responsibilities, and Relationships, Bullet B.
- 
- |           |                    |                      |                            |
|-----------|--------------------|----------------------|----------------------------|
| Number: 5 | Author: vrodriguez | Subject: Sticky Note | Date: 2/2/2015 10:28:34 AM |
|-----------|--------------------|----------------------|----------------------------|
- 
- This section could be included in the Code of Conduct Policy under Section VII: Legal Requirements.
-



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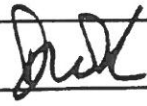
ADMINISTRATIVE MANUAL  
TOWN OF LOS GATOS

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Subject: Americans with Disabilities  
Notice on Town Agendas

Page: 1 of 1

Section Number:

Approved: 

Effective Date: 8/2/94

Revised Date:


PURPOSE

To provide access to public meetings of the Town.

SCOPE

This policy applies to all Town boards, commissions or committees.

POLICY

As part of the requirements under the Americans with Disabilities Act, we are required to provide notice of whom to contact in advance of the meeting for assistance to disabled individuals who might wish to participate. This is particularly important because some of our meeting locations may not be readily accessible to disabled persons 

Therefore, the following notice will be provided in at least one location on each Town agendas for boards, commission or committees:

*In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the \_\_\_\_\_ Department, at (408) \_\_\_\_\_. Notification 48 hours before the meeting will enable the Town to make reasonable arrangements to ensure accessibility to this meeting. [28 CFR § 35.102-35.104]*

APPROVED AS TO FORM: 

Town Attorney

# Summary of Comments on 2-8 Americans with Disabilities Notice on Town Agendas\_with Comments.pdf

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Page: 1



Number: 1 Author: vrodriguez Subject: Sticky Note Date: 2/2/2015 10:45:08 AM

This section can be incorporated into the Town Council Agenda Format and Rules Policy after Section G: Adjournment.

TOWN OF LOS GATOS  
TOWN COUNCIL/PARKING AUTHORITY/  
REDEVELOPMENT AGENCY AGENDA  
110 EAST MAIN STREET - COUNCIL CHAMBERS (DOWNSTAIRS)  
SEPTEMBER 6 (TUESDAY), 1994

**7:30 PM      INTERVIEWS**

Arts Commission (\_\_\_)  
Board of Appeals (\_\_\_)  
Personnel Board (\_\_\_)

**7:45 PM      MEETING CALLED TO ORDER**

**ROLL CALL**

**PLEDGE OF ALLEGIANCE**

**CLOSED SESSION REPORT**

**APPOINTMENTS**

Arts Commission (2)  
Board of Appeals (1)  
Personnel Board (1)


*Note: The Town of Los Gatos has adopted the provisions of Code of Civil Procedure § 1094.6; litigation challenging a decision of the Town Council must be brought within 90 days after the decision is announced unless a shorter time is required by State or Federal law.*

*In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact Patsy Madrid, (408) 354-6832. Notification 48 hours before the meeting will enable the Town to make reasonable arrangements to ensure accessibility to this meeting.*

## MEMORANDUM

DATE: August 2, 1994

TO: Town Manager  
Town Clerk  
Department Heads

FROM: Larry E. Anderson, Town Attorney 

SUBJECT: Americans with Disabilities Notice on Agendas

As part of our obligation to provide access to public meetings of the Town, we are required to provide notice of whom to contact in advance of the meeting for assistance to disabled individuals who might wish to participate. This is particularly important because some of our meeting locations may not be readily accessible to disabled persons.

Therefore, please provide the following notice in at least one location on each of your agendas for boards, commissions, or committees:

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the \_\_\_\_\_, (408) \_\_\_\_\_. Notification 48 hours before the meeting will enable the Town to make reasonable arrangements to ensure accessibility to this meeting. [28 CFR § 35.102-35.104].


Please call if you have any questions.





MEETING DATE: 2/11/15  
ITEM NO: 3

## POLICY COMMITTEE REPORT

DATE: FEBRUARY 6, 2015  
TO: COUNCIL POLICY COMMITTEE  
FROM: GREG LARSON, TOWN MANAGER   
SUBJECT: APPROVAL TO VALIDATE TWO COUNCIL POLICIES

### RECOMMENDATIONS:

1. Approve validation of the following Council Policies and forward to Town Council for its action:
  - a. 4-4: General Fund Reserve Policy
  - b. 4-5: GASB 54 Fund Balance Policy

### BACKGROUND:

At the January 29, 2015 Policy Committee meeting, staff presented a set of Council Policies for validation for the Committee's consideration. The Committee approved some of the Council Policies, and had follow up questions about the General Fund Reserve and GASB 54 Policies. This staff report addresses those questions and provides additional information.

### DISCUSSION:

#### 4-4: General Fund Reserve Policy

**Policy Purpose:** This Policy has been in effect since May 16, 2011. Its purpose is to establish a target minimum level of designated reserves in the General Fund to: (1) Reduce the financial impacts associated with a disaster or catastrophic event; (2) Respond to the challenges of a changing economic environment, including prolonged downturns in the local, state, or national economy; and (3) Demonstrate continued prudent fiscal management and creditworthiness.

**Committee Questions:** The Committee directed staff to confirm that this Policy is accurate and requested for staff to provide an update to the Town's current practice. For example, are the Town and Council following this Policy?

PREPARED BY:   
STEPHEN CONWAY  
Finance Director

VILCIA RODRIGUEZ   
Special Project Coordinator

Reviewed by:  Assistant Town Manager  Town Attorney  Finance

**Staff Response:** This Council Policy is current and valid. Every year, fund balance designations are discussed and presented in the proposed budget. Final approval is confirmed as part of the annual operating budget review and adoption process in May/June timeframe of each fiscal year.

GASB 54 Fund Balance Policy

**Policy Purpose:** This Policy has been in effect since June 4, 2012. Its purpose is to outline the policies and procedures adopted by the Town Council regarding provisions for identifying and classifying fund balance in accordance with Governmental Accounting Standards Board (GASB) Statement No. 54.

**Committee Questions:** The Committee asked if the reference to GASB 54 is current, and if any updates are necessary to reflect any changes to GASB legislation.

**Staff Response:** There are several GASB financial statements. GASB 54 applies specifically to fund balances, designating them formally as non-spendable (not available in cash), restricted/committed (legally restricted for a specific use), assigned (designated by Town Council but subject to reassignment by the Council for another purpose), or unassigned (undesignated for any specific use) categories. The GASB 54 Fund Balance Policy is current and valid, and conforms to the requirements of GASB 54. Compliance with GASB 54 is mandatory. Any non-compliance would likely be an audit finding in the auditor's opinion letter in the Town's Comprehensive Annual Financial Report.

CONCLUSION:

Finance staff will be available at the February 11, 2015 Policy Committee meeting to address any further questions

ENVIRONMENTAL ASSESSMENT:

This is not a project defined under CEQA, and no further action is required.

FISCAL IMPACT:

No financial impact associated with this recommendation.